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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/036,009	12/26/2001	Yuichi Takatsu	65316-0008	2437		
10291	7590	03/13/2008	EXAMINER			
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610				LASTRA, DANIEL		
ART UNIT		PAPER NUMBER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/036,009	TAKATSU, YUICHI	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 January 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 3-11, 15-16, 22 and 23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 3-11, 15, 16, 22 and 23 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>03/28/2007</u> .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. Claims 3-11, 15-16, 22 and 23 have been examined. Application 10/036,009 (ELECTRONIC SETTLEMENT APPARATUS ELECTRONIC SETTLEMENT METHOD, STORAGE MEDIUM AND COMPUTER DATA SIGNAL) has a filing date 12/26/2001 and foreign priority 12/28/2000.

Response to Amendment

2. In response to Final Rejection filed 02/07/2007, the Applicant filed an RCE on 01/07/2008, which amended claims 3, 8-11, 15-16, cancel claims 1-2 and 17-21 and added new claims 22-23.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 9, 22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22 and 23 recite "an upper limit of the discount points the buyer can use at once". For purpose of art rejection said limitation would interpreted as meaning that the member store designates the maximum value of the available points per one business transaction" (see Appellant's specification page 24, lines 5-10). Claim 22 is indefinite because it is not clear in the limitation "a remote terminal associated with the buyer; a sending mechanism that generates a page into which commodity data designating a commodity that the buyer wants to buy and

discount data designating discount points the buyer wants to use for buying the commodity are to be input, and sends a generated page to the remote terminal through the network" if the remote terminal generates a page and send it to a buyer or the other way around. It is not clear what terminal is generating the page and what said generated page consists of. Claims 22 and 23 are indefinite because the limitation "determine, as the discount points to be used for buying the commodity designated by the received commodity data, a smaller one of the discount points that is stored in the memory corresponding to the buyer and the discount points designated by the amount data received by the receiving mechanism when the determining mechanism determines that the seller does not designate the upper-limit" is indefinite because it is not clear the meaning of the "smaller one of the discount points" or to what data the Applicant is referring when he mentioned "the amount data". The limitation "and thereby determine, as the discount points to be used for buying the commodity designated by the received commodity data, a smallest one of the discount points that is stored in the discount memory corresponding to the buyer, the discount points designated by the amount data received by the receiving mechanism and the upper-limit discount points designated by upper-limit designation data when determining that the seller designates the upper-limit" is indefinite because it is not clear of the smallest one of the discount points. Claim 7 is indefinite because it is not clear the meaning of the "external section" and it is not clear how the settlement is performed when it recites "identification data are more than said difference" when it is not clear what is that is being compared for a

settlement. Claim 9 is indefinite because it is not clear the meaning of "settlement points".

Claims 22 and 23 recite the limitation "the amount data" in line 18. Claim 8 recites "the external section". There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-11, 15-16, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikeda (US 5,937,391).

Claims 22 and 23, Ikeda teaches:

An electronic settlement apparatus comprising:

a memory for storing discount points representing a property value to be associated with a buyer to which said discount points are assigned (see figure 8);

a processor (see col 3, lines 45-50);

a network (see col 3, lines 45-50);

a remote terminal associated with the buyer (see col 4, lines 25-35);

a sending mechanism that generates a page into which commodity data designating a commodity that the buyer wants to buy and discount data designating discount points

the buyer wants to use for buying the commodity are to be input, and sends a generated page to the remote terminal through the network (see col 4, lines 25-35);

a receiving mechanism that receives the commodity data and the discount data, which are sent by the sending mechanism (see col 4, lines 25-65)

a determining mechanism that determines whether a seller selling the commodity designated by the received commodity data designates an upper-limit of the discount points the buyer can use at once (see col 8, lines 1-25 “point redeeming ratio”). The point redeeming ration of a store is the maximum value of the available point per one business transaction.

determine, as the discount points to be used for buying the commodity designated by the received commodity data, a smaller one of the discount points that is stored in the memory corresponding to the buyer and the discount points designated by the amount data received by the receiving mechanism when the determining mechanism determines that the seller does not designate the upper-limit, and thereby determine, as the discount points to be used for buying the commodity designated by the received commodity data, a smallest one of the discount points that is stored in the discount memory corresponding to the buyer, the discount points designated by the amount data received by the receiving mechanism and the upper-limit discount points designated by upper-limit designation data when determining that the seller designates the upper-limit; an assignment mechanism that determines discount points to be newly assigned to the buyer based on the price of the commodity designated by the commodity data received

by the receiving mechanism, and the discount points determined by the determination mechanism (see col 11, lines 10-65);

and

an update mechanism that updates the discount points stored in the memory of the buyer to a level that is equal to an originally stored discount points plus any newly assigned discount points and subtracting the discount points to be used as determined by the determining mechanism when receiving settlement data representing end of the settlement of the transaction of the commodity between the seller and the buyer (see col 11, lines 1-65).

As per claim 3, Ikeda teaches:

wherein said memory stores user identification data that identifies the user to which said discount points are assigned to be associated with said discount points, and a password associated with the said user identification data (see col 4, lines 25-35); and

said processor obtains information and password representing said user; determines whether or not said memory stores said user identification data that identifies the user represented by said obtained information and said obtained password to be associated with each other; and stops obtaining said *commodity* data or said user point data when determining that said memory stores neither user identification data nor said password to be associated with each other (see col 4, lines 25-35).

As per claim 4, Ikeda teaches:

wherein said processor obtains information, which is supplied from an external section and which represents the user, in accordance with an instruction supplied from

the external section, and generates said user identification data that identifies the user represented by obtained information and said password associated with the said user identification data, and store said user identification data and password in said memory (see col 4, lines 25-60).

As per claim 5, Ikeda teaches:

wherein said memory stores user information unique to the user identified by said corresponding user identification data to be associated with said user identification data (see col 4, lines 25-35).

As per claim 6, Ikeda teaches:

wherein when said processor determines that said user identification data that identifies the user represented by said information obtained by the processor and said password obtained by the processor are stored in said memory to be associated with each other, said processor updates said user information stored in grid memory to be associated with the said user identification data to user information supplied from the external section (see col 4, lines 25-65).

As per claim 7, Ikeda teaches:

wherein when said processor determines whether or not said settlement data is supplied to the processor until a predetermined time has elapsed after obtaining *commodity* data, and when said processor determines that no settlement data is supplied thereto, said processor abandons the obtained corresponding *commodity* data (see col 10, lines 15-25).

As per claim 8, Ikeda teaches:

further comprising a settlement server, wherein said settlement server stores settlement points representing a property value to be associated with identification data unique to the said settlement points (see col 5, lines 30-40);

determines whether or not said processor obtains said *commodity* data and use point data *that designates an amount to be appropriate for the price of said commodity* (see col 10, lines 15-25); obtains said identification data from the external section when it is determined that said processor obtains said *commodity* data and said use point data, decides that a difference between an amount of settlement points corresponding to the price of said *commodity* represented by said *commodity* data and an amount of settlement points corresponding to the discount points represented by said use point data is appropriate for the price of the said *commodity*; and supplies said settlement data to said processor when the settlement points associated with said obtained identification data are more than said difference (see col 5, lines 20-40).

As per claim 9, Ikeda teaches:

wherein said memory stores conversion rate data representing a conversion rate between said discount points and settlement points, and said processor specifies the amount of said settlement points corresponding to the discount points represented by use point data *that designates an amount to be appropriate for the price of said commodity* according to the conversion rate represented by said conversion rate data (see col 8, lines 1-25).

As per claim 10, Ikeda teaches:

wherein said processor determines whether or not the price of said *commodity* represented by said *commodity* data reaches a predetermined minimum purchase amount, and decides that no discount point is assigned to said user when determining that the price of said *commodity* does not reach the predetermined minimum Purchase amount (see col 11, lines 1-10).

As per claim 11, Ikeda teaches:

wherein said processor determines whether or not the discount points represented by use point data *that designates an amount to be appropriate for the price of said commodity* obtained by the processor are more than predetermined available points, and handles said available points as discount points (see col 11, lines 1-35).

As per claim 15, Ikeda teaches:

wherein said memory stores assignment rate data that designates discount points to be newly assigned to said user per unit quantity of the price of said *commodity* (see col 5, lines 30-40); and said processor decides a value obtained by multiplying the price of said *commodity* represented by said *commodity* data obtained by the processor by the discount points designated by said assignment rate data as discount points to be newly assigned to said user (see col 5, lines 25-45).

As per claim 16, Ikeda teaches:

wherein said *commodity* data includes point designation information that designates discount points to be assigned to a person who purchases said *commodity* represented by said *commodity* data; and said processor decides the discount points represented by said point designation information included in said *commodity* data

obtained by said processor as discount points to be newly assigned to said user (see col 5, lines 25-40).

Response to Arguments

5. Applicant's arguments with respect to claims 3-11, 15-16, 22 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Art Unit 3622
March 1, 2008